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Attorneys for Defendants
BOARD OF TRUSTEES OF THE CALIFORNIA
STATE UNIVERSITY and individual defendants
(see complete list of individual defendants on signature page)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRISTINE DiBELLA,

Plaintiff,

v.

BOARD OF TRUSTEES OF THE
CALIFORNIA STATE
UNIVERSITY, STEVE RELYEA,
Acting Chancellor of California State
University, in his official capacity;
JOLENE KOESTER, incoming
Interim Chancellor of California
State University, in her official
capacity; JEFFREY D.
ARMSTRONG, President of
California Polytechnic State
University, San Luis Obispo, in his
official capacity; ERIKA D. BECK,
President of California State
University, Northridge, in her
official capacity; SORAYA M.
COLEY, President of California

CASE NO. 3:21-cv-08461-TLT

**STIPULATION AND [PROPOSED]
ORDER LIMITING SCOPE OF, AND
ANSWER TO, THIRD AMENDED
COMPLAINT**

1 Polytechnic State University,
 2 Pomona, in her official capacity;
 3 JANE CLOSE CONOLEY,
 4 President of California State
 5 University, Long Beach, in her
 6 official capacity; WILLIAM A.
 7 COVINO, President of California
 8 State University, Los Angeles, in his
 9 official capacity; THOMAS A.
 10 CROPPER, President of California
 11 State University Maritime Academy,
 12 in his official capacity;
 13 ADELA DE LA TORRE, President
 14 of San Diego State University, in her
 15 official capacity; GAYLE E.
 16 HUTCHINSON, President of
 17 California State University, Chico, in
 18 her official capacity; TOM
 19 JACKSON, JR., President of
 20 California Polytechnic State
 21 University, Humboldt, in his official
 22 capacity; SAÚL JIMÉNEZ-
 23 SANDOVAL, President of
 24 California State University, Fresno,
 25 in his official capacity;
 26 ELLEN N. JUNN, President of
 27 California State University,
 28 Stanislaus, in her official capacity;
 LYNN MAHONEY, President of
 San Francisco State University, in
 her official capacity; TOMÁS D.
 MORALES, President of California
 State University, San Bernardino, in
 his official capacity; ROBERT S.
 NELSEN, President of California
 State University, Sacramento, in his
 official capacity; ELLEN J.
 NEUFELDT, President of California
 State University, San Marcos, in her
 official capacity; VANYA
 QUIÑONES, President of California

State University, Monterey Bay, in his official capacity; THOMAS A. PARHAM, President of California State University, Dominguez Hills, in his official capacity; CYNTHIA TENIENTE-MATSON, President of San Jose State University, in his official capacity; MING-TUNG LEE, President of Sonoma State University, in her official capacity; CATHY A. SANDEEN, President of California State University, East Bay, in her official capacity; FRAMROZE VIRJEE, President of California State University, Fullerton, in his official capacity; RICHARD YAO, President of California State University, Channel Islands, in his official capacity; LYNNETTE ZELEZNY, President of California State University, Bakersfield, in her official capacity; COMPASS GROUP USA, INC. dba CHARTWELLS HIGHER EDUCATION,

Defendants.

STIPULATION

Plaintiff CHRISTINE DiBELLA (“Plaintiff”), on the one hand, and Defendants BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY and individual Defendants (“Defendants,” and together with Plaintiff, the “Parties”) hereby stipulate and request that the Court limit the scope of, and set a new deadline (until June 20, 2023) for Defendants to file their response to, Plaintiff’s Third Amended Complaint (“TAC”), which currently is June 7, 2023. This request is based on the following good cause:

1. On April 24, 2023, Plaintiff filed a 50-page TAC for Preliminary and Permanent Injunctive Relief, Declaratory Relief, and Damages. Dkt. No. 73.
2. The TAC named three new defendants: Vanya Quiñones, Cynthia Teniente-Matson, and Ming-Tung Lee.
3. Due to the complexity and broad scope of the TAC, Defendants required additional time to investigate the new allegations and prepare their responsive pleadings.
4. Further, because the newly-named defendants' responsive pleading deadlines are different than the responsive pleading deadline for the remaining defendants, setting a global deadline allows for a joint filing.
5. Previously, the Parties jointly stipulated that, and this Court set, a new deadline of June 7, 2023 for Defendants to respond to the TAC.
6. Because Defendants maintain that some of the allegations in the TAC are barred by the Eleventh Amendment and Defendants otherwise would file a Federal Rule of Civil Procedure, Rule 12 motion to dismiss to address those allegations, and because Plaintiff agrees that the need for such a motion can be obviated through this Stipulation, the Parties stipulate to the limitation of the scope of the TAC as set forth in Paragraph 7, and jointly ask this Court to enter an Order correspondingly limiting the scope of the TAC.
7. The Parties stipulate that, for the duration of this lawsuit, Defendants do not waive or forfeit (but rather expressly preserve) any defenses afforded by the Eleventh Amendment to the U.S. Constitution, including but not limited to the immunity from suit provided by the Eleventh Amendment. Under the Eleventh Amendment, a lawsuit against a state, its agencies and instrumentalities, and officials of a

state acting in their official capacity, is barred with the limited exception recognized by the United States Supreme Court in *Ex parte Young*, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 (1908), and, accordingly, the Parties agree that Plaintiff may pursue her Fair Housing Act (FHA) cause of action but can seek only prospective injunctive and declaratory relief against the individual defendants who are named in their official capacity for an ongoing violation of the FHA. This Stipulation clarifies that Plaintiff's damage claim, which may be read as alleging damages under her FHA cause of action, is hereby expressly limited to her damage claim under her Americans with Disabilities Act cause of action.

8. The Parties further stipulate that Defendants shall have until June 20, 2023 within which they may file their Answer to the TAC.

IT IS SO STIPULATED.

Date: June 6, 2023

PFEIFFER WOLF CAR KANE CONWAY
& WISE LLP

/s/ Catherine Cabalo, Esq.
By CATHERINE CABALO, Esq.
Attorneys for Plaintiff
CHRISTINE DiBELLA

Date: June 6, 2023

CLYDE & CO US LLP

/s/ Alison K. Beanum, Esq.
By ALISON K. BEANUM, Esq.
Attorney for Defendants
BOARD OF TRUSTEES OF THE
CALIFORNIA STATE UNIVERSITY and
Individual Defendants

FILER'S ATTESTATION

Pursuant to Local Rule 5-1, I hereby attest that on June 06, 2023, I, Douglas J. Collodel, attorney with Clyde & Co US LLP, received the concurrence of Catherine Cabalo, Esq. in the filing of this document.

/s/ Douglas J. Collodel
Douglas J. Collodel

[PROPOSED] ORDER

Pursuant to the Stipulation of the Parties and for good cause shown:

1. Defendants do not waive or forfeit (but rather expressly preserve) any defenses afforded by the Eleventh Amendment to the U.S. Constitution.
2. Plaintiff may pursue her Fair Housing Act (FHA) cause of action but can only seek prospective injunctive and declaratory relief against the individual defendants who are named in their official capacity for an ongoing violation of the FHA.
3. Plaintiff's damage claim is expressly limited to her damage claim under her Americans with Disabilities Act cause of action.
4. The deadline for Defendants to answer the TAC shall be continued to June 20, 2023.

IT IS SO ORDERED.

Dated: _____, 2023

Honorable Trina L. Thompson
U.S. District Court Judge